REMARKS

Claims 1, 3 and 5 are all the claims pending in the application.

In order to point out and distinctly claim that which Applicants regard as their invention, claim 1 is amended to clarify that the "non-thermally degraded" protein material is the "protein material before heating" and that the "said treated protein material" is the said high temperature treated protein material." Support for this amendment to claim 1 can be found, for example, at Paragraph [0021] of the published US application.

Applicants submit that the present Amendment creates no new issues that require a new search or further consideration.

Accordingly, Applicants respectfully request entry of the present Amendment.

Rejection of the Claims under 35 U.S.C. § 112

Claims 1, 3 and 5 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

While acknowledging that the phrase "non-thermally degraded" is discussed at page 2 of the present specification, the Examiner takes the position that this phrase is not supported in the specification. The Examiner argues that the portions of the specification discussing "non-thermally degraded" refer not to present embodiments, but rather to traditional methods in the art.

In response and without acquiescing to the merits of the rejection, claim 1 is amended herein to clarify that the first recited "non-thermally degraded" protein material is the "protein material before heating" and the second recited "non-thermally degraded" protein material is protein material containing ascorbic acid, isoascorbic acid, or dihydroascorbic acid, or ascorbic acid stearic acid ester, ascorbic acid palmitic acid ester or salts thereof.

Withdrawal of the rejection of claims 1, 3 and 5 under 35 U.S.C. § 112, first paragraph is respectfully requested.

Response to Claim Rejections under 35 U.S.C. § 103(a)

Claims 1, 3, and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamai et al. JP 2941416 ("Hamai") in view of Kato JP 6047662 ("Kato").

In the previous Office action, the present claims were rejected under 35 U.S.C. § 103(a) over Hamai. In the present Office action, the Examiner now supplements the rejection over Hamai by citing to Kato for disclosing the element of placing the fish in a solution containing ascorbic acid. The Examiner takes the position that given Kato's teaching of reducing the odor using ascorbic acid, one having ordinary skill in the art at the time the present application was filed would have been motivated to apply the ascorbic acid solution to not only the structured meat compound of Hamai, but also to the raw meat before it is treated and formed into a structured compound in efforts to reduce the hydrogen sulfide odor.

Applicants respectfully traverse the rejection.

One having ordinary skill in the art at the time the present application was filed would not have been motivated to combine the teachings of Kato and Hamai because the "fish odors" and methods for preventing these odors are entirely unrelated. Hamai and Kato employ different starting materials, different heating processes and different odor-preventing objectives.

In the present Office action, the Examiner characterizes both references as having the same sweeping, generalized objective of preventing fish odor. Applicants submit that this broad characterization is inaccurate, and provide an English translation of Kato herewith for informative purposes.

In Kato, odor is described in terms of being a strong sour flavor and raw taste/odor (blood smell) such as mackerel, sardines, bonito, and tuna during grilling or searing. For example, in Working Example 1, the objective is to control the fish odor of "tataki" (seared fish), i.e., grilled bonito using gas. Similarly, in Working Example 2 and Working Example 3, the objective is to produce a fish-meat steak absent a "peculiar odor." *See* Tables 2 and 3 of the English translation of Kato.

However, if fish-meat is simply grilled or seared at normal pressures, as in Kato, the temperature of fish-meat steak does not reach 100°C or more because the fish meat has moisture inside. Importantly, when fish-meat is simply grilled or seared, very little hydrogen sulfide is generated.

In contrast, in Hamai as in the presently claimed method, minimizing "odor" means controlling hydrogen sulfide, which is generated during a high temperature/pressure step. These high heat/high pressure steps occur in Hamai and in the present method, but do not occur in Kato. One having ordinary skill in the art at the time the present invention was filed would have recognized that "odor" control is discussed in very different terms in Hamai and Kato, since hydrogen sulfide is generated in the Hamai method but not in the Kato method. Accordingly, there is no reason why one skilled in the art would have modified the Hamai method by adding ascorbic acid to arrive at the claimed method.

For at least the above reasons, it is respectfully submitted that claim 1 is patentable over the cited art. Claims 3 and 5 depend from claim 1, and thus it is respectfully submitted that these claims are patentable for at least the same reasons as claim 1.

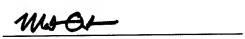
Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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